

## **PLANNING AND ZONING COMMISSION**

**NOVEMBER 14, 2017**

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building, 222 N. Tennessee Street, McKinney, Texas on Tuesday, November 14, 2017 at 6:00 p.m.

City Council Present: Mayor George C. Fuller

Commission Members Present: Chairman Bill Cox, Vice-Chairman Brian Mantzey, Janet Cobbel, Deanna Kuykendall, Pamela Smith, Eric Zepp, and Mark McReynolds - Alternate

Commission Member Absent: Cam McCall

Staff Present: Director of Development Services Michael Quint, City Secretary Sandy Hart; Director of Planning Brian Lockley; Planning Managers Matt Robinson and Samantha Pickett; Planners Danielle Quintanilla, Melissa Spriegel, and David Soto; and Senior Planning Technician Rhys Wilson

There were approximately 25 guests present.

Chairman Cox called the meeting to order at 6:00 p.m. after determining a quorum was present.

The Commission unanimously approved the motion by Alternate Commission Member McReynolds, seconded by Vice-Chairman Mantzey, to approve the following two Consent items, with a vote of 6-0-1. Commission Member Zepp abstained.

**17-1135 Minutes of the Planning and Zoning Commission  
Regular Meeting of October 24, 2017**

**17-253CVP Consider/Discuss/Act on a Conveyance Plat for Lots 1  
and 2, Block A of the Cross Timbers Addition, Located  
at 1301 N. Custer Road**

### **END OF CONSENT**

Chairman Cox continued the meeting with the Regular Agenda Items and Public Hearings on the agenda.

**16-289Z4 Conduct a Public Hearing to Consider/Discuss/Act on a  
Request to Rezone the Subject Property from "ML" -  
Light Manufacturing and "RG-18" - General Residence  
District to "PD" - Planned Development District to allow  
for Multi-Family, Live/Work and Retail Mixed Uses,  
Generally Located on the Southwest Corner of U.S.**

**Highway 380 (University Drive) and Throckmorton Street**

Mr. Matt Robinson, Planning Manager for the City of McKinney, explained the proposed rezoning request. He also gave a brief background on this request. Mr. Robinson stated that the applicant was requesting to rezone approximately 12.75 acres of land from “ML” – Light Manufacturing and “RG-18” – General Residence District to “PD” – Planned Development District, generally to allow for a mix of multi-family apartments, live/work dwellings, and retail uses. He stated that the generic concept plan shows the property being broken up into two development tracts. Mr. Robinson stated that Tract 2 would consist solely of multi-family uses. He stated that Tract 1 is proposed to have a mixture of mixed use retail, live/work, office, with multi-family residential on the upper floors. Mr. Robinson stated that as part of the development regulations the applicant has proposed special ordinance provisions consisting of maximum building heights for multi-family structures being raised from two stories to three stories, no requirement for enclosed parking spaces, establish a vehicle parking guidelines at 1.7 parking spaces per residential unit as opposed to 1 parking space per unit and 0.5 space per bedroom, 50 percent of units in Tract 2 will have direct ground floor access, all buildings within Tract 2 will have 65 percent masonry up front the 50 percent masonry of the multi-family units, and proposed an internal trail system. He stated that Staff has concerns related to the request for the area along U.S. Highway 380 (University Drive). Mr. Robinson stated that the Future Land Use Plan (FLUP) shows this area to be “ML” – Light Manufacturing uses. He stated that Staff also have concerns about conformance with the multi-family policy, which states that if the request is in non-compliance with the Future Land Use Plan (FLUP) the proposed project should be recommended for denial. Mr. Robinson stated that in addition to those elements, Staff has additional concerns related to the proximity to the industrial uses along this corridor. He stated that Hisun Motors was located to the west of the subject property. Mr. Robinson stated that Watson & Chalin was located to the north of the subject property. He stated that Lattimore Materials Company was located further to the east of the subject property. Mr. Robinson stated that the nearby corridor was planned for industrial uses. He stated that Staff was recommending denial of the proposed rezoning request and offered to answer questions.

Commission Member Smith stated that the Commission was provided with a comparison of uses table for the “MF-3” - versus “RG-18” – General Residence District. She stated that the boarding house use was the only use in “MF-3” that is not part of the “RG-18” – General Residence District uses. Commission Member Smith asked if that was correct. Mr. Robinson stated that he believed that was correct. He stated that Tract 2 would solely follow the “MF-3” standards. Mr. Robinson stated that the uses highlighted in yellow on the comparison table would also be allowed on Tract 1.

Vice-Chairman Mantzey asked if both tracts would be developed concurrently or developed at separate times. Mr. Robinson stated that they could be developed at separate times. He stated that the two points of access the Fire Department requires could be an issue if the tracts were developed at different times. Mr. Robinson stated that the conceptual site plan shows an entrance off of U.S. Highway 380 (University Drive) and another one off of Throckmorton Street.

Commission Member Kuykendall stated that City Council and residents had really stressed the need for balancing the City’s tax base by bringing more jobs to the City. She asked about the economic impact of rezoning the property from light industrial to multi-family uses. Mr. Robinson stated that under the current zoning district the entire property would be developed for non-residential uses. He stated that with the proposed rezoning request the applicant was proposing a minimum of 12,000 square foot of retail/commercial type of uses and the remainder would be the live/work units. Mr. Robinson stated that there could be a significant decrease in the amount of non-residential taxable property for the site.

Commission Member Kuykendall asked if there had been issues filling with other similar developments filling the commercial spaces. Mr. Robinson stated that it depends on location and the market. He stated that Staff has concerns about the proposed commercial use surrounded by all of the industrial uses.

Commission Member Zepp asked how many units would be allowed for Tract 2 under the existing zoning. Mr. Robinson stated that it has a maximum density of 24 dwelling units per acre.

Commission Member Zepp asked what density the applicant was proposing. Mr. Robinson stated that they were proposing a maximum of 220 dwelling units for Tract 1 and Tract 2.

Commission Member Zepp asked if this type of zoning would not be desired in another part of the City. Mr. Robinson stated that it would depend. He stated that the subject property was surrounded by light manufacturing, heavy manufacturing, and a small amount of residential to the south. Mr. Robinson stated that entire corridor was zoned for industrial type uses. He stated that the light manufacturing zoning district is pretty permissive as it stands now.

Mr. Bob Roeder; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Boulevard.; McKinney, TX; explained the rezoning request. He stated that the Staff Report was thorough in its description of the project. Mr. Roeder stated that this is an affordable housing project. He stated that it is designed to be in the sector of McKinney which it is located. Mr. Roeder stated that he did not feel that Staff objected to the proposed modifications for Tract 2. He stated that this is what we typically see in affordable housing developments. Mr. Roeder stated that he would like to focus his attention on Tract 1, which is adjacent to U.S. Highway 380 (University Drive). He stated that the western boundary of Tract 1 abuts a railroad trestle. Mr. Roeder stated that the railroad trestle is approximately 20 to 25 feet above the level of U.S. Highway 380 (University Drive); therefore, the northwestern corner of Tract 1 sits approximately 25 feet above the level of U.S. Highway 380 (University Drive). He stated that the property gradually tapers down to the elevation of U.S. Highway 380 (University Drive) about halfway through the property. Mr. Roeder stated that there is a drainage area on the south side of the property, which goes back into U.S. Highway 380 (University Drive) before it gets to Throckmorton Street. He stated that one of the issues for the property is getting the two points of access. Mr. Roeder stated that they were proposing to span the drainage way with a road going back to a multi-family project. He stated that there was no doubt that U.S. Highway 380 (University Drive) in this location was primarily designed or used for light manufacturing. Mr. Roeder stated that he felt the only commercial use that would go on this property would be self-storage. He stated that there was not good access to the property coming westbound on U.S. Highway 380 (University Drive). Mr.

Roeder stated that there was a median opening close to the intersection at Throckmorton Street that there was not much of a chance in getting a dedicated left turn lane to be able to stack vehicles to cross U.S. Highway 380 (University Drive) for access to this tract. He stated that there probably would be a straight entrance from the east. Mr. Roeder stated that the elevation to the west is not conducive to site lines or having any type of business that requires drive by visibility. He stated that the eastern edge of the property was conducive to that. Mr. Roeder stated that was why they were proposing a mixed use, retail/commercial ground floor building in that location. He stated that they were proposing live/work units in the western portion of the property where the grade is extreme. Mr. Roeder stated that they would require a separate office attached to the unit. He stated that it would require a ground floor commercial grade front with a separate entrance. Mr. Roeder stated that it could not include a kitchen area. He stated that a live/work unit would be new to McKinney. Mr. Roeder stated that it would allow someone with a personal service business that wants to consolidate their office and home life. He stated that it would get some economies of scale and expense. Mr. Roeder felt that this area would be very appreciative of that kind of opportunity. He stated that the retail building to the west would be a podium style building. Mr. Roeder stated that the second floor building would be a concrete podium style building that would be raised to the height that the Fire Department requires. He stated that a fire lane goes between and under that building. Mr. Roeder stated that the first floor would be retail with the exception on one single dwelling unit on the southwest corner due to a U.S. Department of Housing and Urban Development (HUD) requirement. He stated that the concept of the subject property ever being developed for a significant commercial use is probably negligible. Mr. Roeder stated that they could put a 1,000 square foot building there and conform to the Zoning Ordinance, which would not be much of a tax base. He stated that he was slightly jaded by some of the calculations that the City does for cost benefit and tax base analyses on these kinds of properties. Mr. Roeder stated that to assume that the whole property was going to develop for a commercial purpose was a questionable assumption. He stated that in Tract 2 one of the architectural features required in the development regulations that at least 50 percent of the buildings have ground floor entrances for all of the units. Mr. Roeder stated that those are three story buildings. He stated that if they

have a two-story studio above a first floor, then the two-story studio needs a ground floor entrance. Mr. Roeder stated that those have been designed to look and function like townhouses, where everyone has their own ground floor entrance. He stated that this would be a very well designed product based upon the development regulations. Mr. Roeder stated that it would be a tax credit project. He stated that the McKinney Housing Authority has agreed to participate in the project. Mr. Roeder asked for the Commission's favorable recommendation and offered to answer questions.

Alternate Commission Member McReynolds asked for the depth of the proposed live/work buildings. Mr. Roeder stated that there was a 24 foot fire lane on the north side in between the parking, so he thought that it was approximately 60 feet deep.

Alternate Commission Member McReynolds asked if the creek on the property as a typically dry creek. Mr. Roeder stated that it is a dry creek; however, it is very deep. Alternate Commission Member McReynolds asked if they were proposing a design feature for the creek where it would have water in it all the time. Mr. Roeder said no. He stated that he was unaware of them planning to have water in it, since it was a drainage area. Mr. Roeder stated that they were planning to install some trails along the side of it. He stated that this area was very heavily wood with some nice big trees. Mr. Roeder stated that it would be a very nice amenity for both sides of the drainage area.

Commission Member Zepp asked if Tract 2 was developed first if it would require two entrances. Mr. Roeder said yes.

Commission Member Zepp asked if there would be enough room to have two entrances off of Throckmorton Street to Tract 2 if it was the only one being developed. Mr. Roeder stated that the second entrance would probably have to come in off of Center Street. He stated that currently that street does not go anywhere due to undeveloped property.

Commission Member Zepp asked if effectively they would then be limited to one entrance. Mr. Roeder stated that was correct.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Mantzey, seconded by Commission Member Zepp, the Commission voted unanimously to close the public hearing, with a vote of 7-0-0.

Alternate Commission Member McReynolds stated that when the zoning previously came before the Commission and was requested to be tabled that there had been several residents that attended the meeting in support of the request. He stated that he is in favor of the proposed rezoning request. Alternate Commission Member McReynolds stated that he knows that the City has plans in that area for an industrial corridor. He stated that the current industrial uses are not attractive. Alternate Commission Member McReynolds stated that he looks at how the major avenues that come into McKinney represent the City. He stated that something like this, where you have a live/work units that the people in McKinney can use those shops, you will have a higher probability of people in the area coming to shop there versus a more light industrial/warehouse type of feel. Alternate Commission Member McReynolds stated that it may service the community more. He stated that he was in favor on the proposed development.

Commission Member Zepp stated that Alternate Commission Member McReynolds made a good point of this being one of the entrances to the City. He stated that it may have looked good to have all of the industrial on U.S. Highway 380 (University Drive) when it was a small highway going nowhere. Commission Member Zepp stated that now it is one of the major entrances to the City. He stated that the proposed use in Tract 1 was very innovative. Commission Member Zepp stated that someone that comes up with a good idea for the property should be rewarded for it. He stated that he had concerns that if we do not allow the egress from Tract 1 to Tract 2 that it would be very hard to develop Tract 2. Commission Member Zepp stated that having affordable housing in McKinney was a worthwhile objective. He stated that he did see why this might be different than the other uses around it. Commission Member Zepp stated that he was in favor of the proposed rezoning request.

Vice-Chairman Mantzey stated that there was no doubt that the City of McKinney is in need of affordable housing. He stated that he had concerns that it all seemed to be located in far east McKinney. Vice-Chairman Mantzey stated that he knew there were challenges to getting affordable house to the west side of McKinney. He stated that he was unsure whether that it was closer to industrial uses or draws from it. Vice-Chairman Mantzey stated that there is always concerns about having residential near

manufacturing. He stated that he was in favor of the request since the McKinney Housing Authority has shown interest in the development, there is a need for affordable house, and the challenges for developing the tracts for anything else.

Chairman Cox stated that he also agrees with the applicant. He stated that as a City we are talking about creating jobs and growing our commercial tax base. Chairman Cox stated that what is not talked about is where the employees live. He questioned how far they have to drive to come to McKinney to work. Chairman Cox stated that the applicant is taking a chance. He stated that he applauds them for putting together this plan that is needed in this area. Chairman Cox stated that the area is slated for something different; however, given the fact that we have a shortage of places for employees to live he applauds the applicant. He stated that he was in favor of the proposed rezoning request.

Commission Member Kuykendall stated that she has heard comments that we need affordable housing in McKinney. She asked Staff how many affordable housing developments that have occurred over the past five years and if it was significant. Mr. Robinson stated that would be tough to say. He stated that he was unaware of all of the affordable housing developments. Mr. Robinson stated that Newsome Homes and Merritt Homes come to mind. He asked Mr. Michael Quint, Executive Director of Development Services, if he knew any others off the top of his head. Mr. Quint stated that Millennium One and Millennium Two, which is now called Post Oak. He stated that he did not have the numbers in front of him; however, he would guess that approximately 750 affordable housing units were located on the west side of McKinney.

Commission Member Kuykendall stated that she feels that McKinney does a good job of expressing the commitment to all types of housing. She stated that she shares Staff's concerns that is outlined extensively in the Staff Report. Commission Member Kuykendall stated that she was not in favor of the proposed rezoning request.

Commission Member Cobbel stated that she has stressed several times that she is a fan of the live/work/play concept. She stated that this was a great location for it. Commission Member Cobbel stated that this area is definitely in need of affordable housing. She stated that it gives easy access to and from industrial places to work. Commission Member Cobbel stated that transportation can be difficult around here. She



felt it would be very difficult to develop it in a way that says industrial is needed along U.S. Highway 380 (University Drive). Commission Member Cobbel concurred with Alternate Commission Member McReynolds comment about it being a main entrance into McKinney. She stated that it is a very innovative, modern, updated and welcoming design. Commission Member Cobbel stated that she was in favor of the proposed rezoning request.

On a motion by Alternate Commission Member McReynolds, seconded by Commission Member Zepp, the Commission voted to recommend approval of the proposed rezoning request as requested by the applicant, with a vote of 5-2-0. Commission Members Kuykendall and Smith voted against the motion.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on December 5, 2017.

**17-281Z      Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "BN" - Neighborhood Business District to "DR" - Duplex Residential District, Located at the Northwest Corner of White Street and Tennessee Street**

Mr. Brian Lockley, Director of Planning for the City of McKinney, explained the proposed rezoning request. He stated that the applicant was requesting to rezone 0.976 acres of land from "BN" – Neighborhood Business District to "DR" – Duplex Residential District, generally for single family attached residential uses. Mr. Lockley gave the general location of the property. He stated that the McKinney Housing Authority was generally to the east of the subject property. Mr. Lockley stated that this corridor was a mixture of business, retail, and some larger businesses. He stated that the request would allow the applicant to develop the property for single family attached units. Mr. Lockley stated that the current zoning on the subject property has a 25' front yard setback. He stated that the proposed zoning has a 20' front yard setback that would allow for large porches to be constructed. He stated that the existing zoning did not allow for encroachments; therefore, the proposed porches could not be developed under the current zoning. Mr. Lockley stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. There were none.

Mr. Ron Lustig, 733 Creek Valley Court, Allen, TX, briefly explained the proposed rezoning request. He stated that this project would provide a transition from the City's

housing project down to single family residential uses. Mr. Lustig stated that the proposed development would have a similar feel to the houses that they built in the 500 block of Tennessee Street. He stated that it would have siding, be new, colorful, and friendly. Mr. Lustig offered to answer questions.

Commission Member Smith asked about some of the other projects that they have completed in McKinney. Mr. Lustig stated that they had developed two houses on Chestnut Street. He stated that they would be completing the Tudor houses on Johnson Street that are located east of the Tudor houses in the 500 block of Tennessee Street.

Ms. Smith stated that she gets a lot of complements on the Tudor style houses in McKinney from her friends that live out of town. Mr. Lustig stated that the Tudor style houses are pleasant to look at. He stated that Mr. Jason Rose, Architect on the project, put a lot of work into designing them.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Cobbel, seconded by Commission Member Zepp, the Commission unanimously voted to close the public hearing and recommend approval of the proposed rezoning request as recommended by Staff, with a vote of 7-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on December 5, 2017.

**17-292Z      Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District to "PD" - Planned Development District, Generally for Commercial and Multi-Family Residential Uses, Located Approximately 1,960 Feet North of Laud Howell Parkway and on the West Side of Trinity Falls Parkway**

Ms. Samantha Pickett, Planning Manager for the City of McKinney, explained the proposed rezoning request. She stated that the City was rezoning approximately 44 acres of land from "AG" – Agricultural District to "PD" – Planned Development District. Ms. Pickett stated that the proposed regulations allow a subject property the flexibility to develop in either an urban or suburban manner in response to market forces and provide a transition from U.S. Highway 75 (Central Expressway) towards the residential area of the northwest sector. She stated that the allowed uses on the property would include commercial, retail, and multi-family uses, which are in line with the Northwest Sector

Study and the draft 2040 Comprehensive Plan Update. Ms. Pickett stated that the proposed rezoning request aligns with the recently rezoned properties in the area, as well as the City's long range plans. She stated that Staff recommends approval of the proposed rezoning request with the special ordinance provision listed in the Staff report and offered to answer questions.

Mr. David Martin, 2728 N. Harwood Street, Dallas, TX, concurred with the Staff Report and offered to answer questions.

Chairman Cox opened the public hearing and called for comments.

Mr. James Alan Augspurger, 6465 Trinity Falls Parkway, McKinney, TX, stated that he was in opposition to the proposed rezoning request. He stated that the property was better suited for a commercial use. Mr. Augspurger stated that it was located near State Highway 121 and U.S. Highway 75 (Central Expressway). He stated that someone is building a new huge house and barn on an approximately ten acre tract of land in the area, which he felt was appropriate for the area. Mr. Augspurger stated that jets flying overhead on route to and from the Dallas/Fort Worth Airport (DFW) and the two highways create a lot of loud noises. He stated that this area was not appropriate for residential uses and only good for commercial uses. Mr. Augspurger stated that it could cause health issues with all of the noise. He stated that there were no trees currently on the property. Mr. Augspurger stated that it was a terrible idea to put residential uses at this location and it was a bad design.

On a motion by Commission Member Cobbel, seconded by Commission Member Zepp, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0.

Commission Member Smith asked if multi-family uses were needed at this location to accomplish the goals of the Comprehensive Plan for Economic Development Viability for a Sustainable and Affordable Community, balanced development pattern, Northwest Sector goals, et cetera. Ms. Pickett stated that it would certainly help when it comes to the draft 2040 Comprehensive Plan. She stated that this area is part of or adjacent to an entertainment district. Ms. Pickett stated that it calls for 24 hours per day, 7 days a week live/work/play opportunities. She stated that Staff definitely does not have a problem with it located here. Ms. Pickett stated that it is in conformance with the City's multi-family

policy, due to this sector not reaching its cap yet. She stated that the multi-family uses would help support the commercial uses proposed in this area.

Commission Member Smith asked if the 7.72 percent of multi-family in the Northwest Sector was already zoned for multi-family uses; however, not yet developed. Ms. Pickett stated that the 7.72 percent had already been zoned for multi-family uses. She could not think of any multi-family developments that were already built in this area.

Commission Member Cobbel stated that he felt it was positive that we finally got something like this on the subject property. She stated that it seemed that the request was more of commercial and multi-family uses and not residential use. Commission Member Cobbel stated that she was in favor of the proposed rezoning request. She stated that it was a worthwhile project.

Commission Member Kuykendall asked how staff calculated how much multi-family is in an area. She asked how to determine when it falls under provision #9 or #10 of the Multi-Family Policy: "Vertical mixed-use developments may be allowed even if multi-family housing in the sector exceeds 10% of the existing and zoned housing units, and shall not count towards the multi-family percentage. A vertical mixed-use area shall be defined as one with non-residential uses on the ground floor and in some cases lower floors, with residential uses on the upper floors. The City encourages the vertical mixing of rental units with other land uses." or "Urban multi-family developments may also be allowed even if multi-family housing in the sector exceeds 10% of the existing and zoned housing units. For the purposes of this section, urban multi-family development shall mean a multi-family residential development which incorporates, at a minimum, the following urban design elements: a. structured and/or tuck-under garage parking for no less than 80% of the total required parking for the development; b. ground floor units adjacent to a public right-of-way area designed and constructed to permit commercial uses with a minimum 12 feet clear ceiling height; c. meaningful, centrally located internal open spaces (parks, plaza, courtyards, and squares) offering public gathering areas; and d. 10 foot wide public sidewalks adjacent to all public roadways."

Ms. Pickett stated that for these provisions you are looking at whether it is zoned to require vertical mixed-use development, meets the components of urban multi-family developments, or built to either of those standards. She stated that this sector is easier

since we are not dealing with a lot of multi-family currently being built. Ms. Pickett stated that the Long Range Staff in the Planning Department is using that information in their formula to show how much land area is zoned for multi-family. She gave the example that if we know a multi-family development falls under provision #10, then they do not include it in their calculations. Ms. Pickett stated that when it could develop as either urban or suburban, like this one, it would get counted, since we do not know how it will eventually be built.

Commission Member Kuykendall asked if there was a way to get a true picture of how much multi-family was in an area with it being calculated so differently. Ms. Pickett stated that Staff could pull the zonings and what has been built. She stated that she did not know the flat rate.

Commission Member Kuykendall asked if the total multi-family for this area would still be under the 10 percent. Ms. Pickett said yes.

Commission Member Zepp asked if this would discuss the maximum number of multi-family units that could be developed on the subject property. Ms. Pickett stated that it would be a minimum density if it was developed under the urban or suburban standards. She stated that it would be 50 units to the acre for the urban and 30 units to the acre for the suburban.

Commission Member Cobbel asked if the statement that “it should be noted that the approval of this rezoning request is a condition of the settlement agreement, approved by the City Council on November 6, 2017, regarding the pending litigation of Arch Resorts, L.L.C. versus the City of McKinney, Texas and Rick Herzberger, Chief Building Official of the City of McKinney, Texas, versus Collin County, Texas, No. 219-01855-2015, 219<sup>th</sup> District Court of Collin County, Texas” listed in the Staff Report means that City Council understands what is before us and is at their request. Mr. Michael Quint, Director of Development Services for the City of McKinney, stated that this is a City-initiated rezoning of private property. He stated that City Council had approved these zoning terms. Mr. Quint stated that they were aware and very supportive of the request.

Commission Member Kuykendall asked Mr. Quint to give a snapshot of the agreement. Mr. Quint stated that the City agrees to pay a lump sum to the property owner to cease the use going forward. He stated that in exchange for that lump sum the property

owner would agree to remove the existing recreational vehicles (RV) spaces on the property at their cost and no cost to the City. Mr. Quint stated that there would also be a restrictive covenant that would restrict any future recreational vehicles (RV) uses on the property. He stated that they would then agree to settle the pending litigation.

Commission Member Kuykendall asked if the litigation had anything to do with the proposed rezoning request. Mr. Quint said yes, that this was part of the settlement for that litigation. He stated that if this request is not approved then the settlement would no longer be valid and the City goes back to court.

Commission Member Smith asked if Staff would say the proposed uses were much more desirable than the current use. Mr. Quint stated that was safe to say. He stated that it was more desirable and in line with the City's long range plan. Mr. Quint stated that Staff was very supportive of the proposed rezoning request.

Chairman Cox stated that he applauded Staff and all of the parties involved in the request to rezone. He stated that it was important that as a City and the County move on. Chairman Cox stated that this is an agreement that for a rezoning that works in the fastest growing area of McKinney. He stated that this is an agreement that the parties have come up with. Chairman Cox stated that he was in favor of the proposed rezoning request.

On a motion by Commission Member Cobbel, seconded by Commission Member Zepp, the Commission voted to close the public hearing and recommend approval of the proposed rezoning request, with a vote of 6-1-0. Commission Member Kuykendall voted against to the motion.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on December 5, 2017.

**17-262Z      Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located at the Southeast Corner of Spur 399 and Medical Center Drive**

Mr. Brian Lockley, Director of Planning for the City of McKinney, explained the proposed rezoning request. He stated that the project was McKinney Urban Village and that a number of units were currently under construction. Mr. Lockley stated that the

applicant would like to continue the design and layout as it currently exists. He stated that this project was part of a much larger development. Mr. Lockley stated that the subject property was located near a hospital and medical offices. He stated that the multi-family development would be located along State Highway 5 (McDonald Street). Mr. Lockley stated that the area being considered for amendment were the areas to the south and to the north. He stated that the applicant has the benefit of having developed this property with an understanding of the standards and what is applicable to the site. Mr. Lockley stated that was why the applicant was requesting to amend the "PD" – Planning Development District. He stated that the proposed zoning would reflect how the property has currently been developed. Mr. Lockley briefly discussed the proposed development standards. He stated that parking for multi-family uses shall be one space for each bedroom in all dwelling units, plus three spaces per one thousand square feet for any common facility and management office. Mr. Lockley stated that multi-family development shall be limited to a minimum of 25 units per gross acre, and a minimum of three stories. He stated that parking may be provided through a combination of head-in parking on private streets built within an urban streetscape condition, "tuck under" spaces in ground level garages and interior parking courtyards. Mr. Lockley stated that no screening from public thoroughfares shall be required of any openings in interior parking courtyards or head-in parking along private streets. He stated that fibrous cement panels would be allowed as cladding on roof chimneys. Mr. Lockley stated that this would provide some consistency in the overall development. He stated that the property does meet the suburban mix with significantly developed area. Mr. Lockley stated that the Comprehensive Plan does list factors when rezoning requests should be considered. He stated that the applicant does meet that requirement and would continue to do so as the property is developed. Mr. Lockley stated that Staff received a letter in opposition that was submitted by an adjoining property owner. He stated that owner had concerns about some of the improvements that would be required. Mr. Lockley stated that property owner also wanted to develop their property on the other side of Stated Highway 5 (McDonald Street); however, there were some requirements initiated by the Engineering Department. He stated that he spoke with the Engineering Department to get a better understanding on what they thought would be required on the subject property and the issue with the

other property. Mr. Lockley stated that if there was a significant increase in traffic from the development then those requirements would be required. He stated that there were no additional units being proposed with the proposed rezoning request. Mr. Lockley stated that this was just to modify the development standards. He stated that Staff recommends approval of the proposed rezoning request with the special ordinance provisions listed in the Staff Report. Mr. Lockley offered to answer questions.

Commission Member Smith asked if Staff felt that the proposed development standards were lessening the current development standards on the property. Mr. Lockley stated that that he would not say that they were lessening the development pattern at McKinney Urban Village. He stated that it is already in existence. Mr. Lockley stated that this would allow consistency and continuity between developments.

Commission Member Smith asked if the applicant had to go through the same process when they developed their other properties. Mr. Lockley stated that the applicant initially received some meritorious exceptions for the design. He stated that the request stems from what they found during the course of developing the property.

Mr. Paris Rutherford, 7001 Preston Rd., Dallas, TX, gave a presentation on the proposed rezoning request and overall development. He gave a recap of the overall master plan and the current development at the site. Mr. Rutherford stated that it was a mixed use, urban land development. He stated that they have an entitlement of 500 units in the overall "PD" – Planned Development District; however, they were not requesting to increase the number of units. Mr. Rutherford stated that they were trying to clean up some of the previously approved meritorious exceptions on the property. He stated that they were trying to incorporate some lessons learned. Mr. Rutherford stated that the parking standards take away their opportunity to have more landscaping. He stated that they currently have extra spaces. Mr. Rutherford stated that they were trying to improve the nature of the urban street scape that is adjacent to the buildings. He stated that they were not looking to gate the development. Mr. Rutherford stated that they were trying to continue the architectural feel of the established residential portion of the project. He stated that the units would all face the street. Mr. Rutherford stated that there would be front patio areas and some stoops that would not have coverings over them. He stated that they like to have variety in the architecture in how the buildings meet the street. Mr.



Rutherford stated that they were looking at having 25 units per net acre, not gross acre. He stated that currently there were no minimum requirement. Mr. Rutherford stated that they would like to do that to be able to building more. He stated that they were not looking to increase any entitlements; however, just improve through lessons learned. Mr. Rutherford encouraged the Commission Members to come by to see the quality construction that they have done so far in the development. He offered to answer questions.

Commission Member Smith asked how many units were located in the current residential development where there was excessive parking. Mr. Rutherford stated that there were 245 units. He stated that the City's standards require more parking than what they feel is needed, which causes more paving. Mr. Rutherford stated that they could do it; however, he felt that they were requesting would make for a better looking project.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Cobbel, seconded by Alternate Commission Member McReynolds, the Commission unanimously voted to close the public hearing and recommend approval of the proposed rezoning request as recommended by Staff, with a vote of 7-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on December 5, 2017.

**17-273Z      Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "C" - Planned Center District and "CC" - Corridor Commercial Overlay District to "LI" - Light Industrial District and "CC" - Corridor Commercial Overlay District, Located Approximately 400 Feet South of Bloomdale Road and on the West Side of McLarry Drive**

Ms. Danielle Quintanilla, Planner for the City of McKinney, explained the proposed rezoning request. She stated that the applicant was requesting to rezone approximately 3.42 acres of land from "C" – Planned Center District and "CC" – Corridor Commercial Overlay District to "LI" – Light Industrial District and "CC" – Corridor Commercial Overlay District, generally for industrial uses. Ms. Quintanilla stated that currently the Future Land Use Plan (FLUP) calls for this land to be commercial. She stated that the applicant is going to maintain the "C" – Planned Center District zoning designation on the adjacent western property to maintain the commercial frontage along US Highway 75 (Central

Expressway). Ms. Quintanilla stated that the subject property would then only have frontage along McLarry Drive. She stated that there had been several rezoning cases in this area, south of the subject property, which have rezoned to "LI" – Light Industrial District. Ms. Quintanilla stated that given the industrial designation of the properties to the east within the Future Land Use Plan (FLUP), Staff is of the professional opinion that the proposed rezoning request will serve as a transition to the current and future industrial uses to the east. She stated that Staff recommends approval of the proposed rezoning request and offered to answer questions.

Vice-Chairman Mantzey asked if Staff felt the remaining parcel of land was still commercially developable considering the depth of the commercial tract on the service road at US Highway 75 (Central Expressway) and the depth of the remaining property. Ms. Quintanilla said yes. She stated that Staff and the applicant had discussed placing a commercial use on the western property along US Highway 75 (Central Expressway) that would work with the depth.

Mr. Allan Ross, 14902 Preston Road, Dallas, TX, stated that he was representing Freedom Powersports. He stated that they were purchasing both parcels that Ms. Quintanilla referenced. Mr. Ross stated that they had already submitted a preliminary site plan to Staff to show the general configuration planned for the commercial tract. He stated that the commercial tract was approximately four acres. Mr. Ross stated that the subject property was approximately three acres.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Smith, seconded by Vice-Chairman Mantzey, the Commission unanimously voted to close the public hearing and recommend approval of the proposed rezoning request as recommended by Staff, with a vote of 7-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on December 5, 2017.

**17-007FR Consider/Discuss/Act on a Facade Plan Appeal for a Movie Theater (Cinemark at 380 Commons), Located Approximately 315 Feet South of U.S. Highway 380 (University Drive) and on the West Side of Hardin Boulevard**

Ms. Melissa Spriegel, Planner for the City of McKinney, explained the proposed facade plan appeal. She stated that the applicant was requesting a facade plan appeal

for a movie theater (Cinemark at 380 Commons) due to the proposed elevations not conforming to the requirements of the City's Architectural Standards for non-residential uses in non-industrial districts. Ms. Spiegel stated that the applicant is requesting to utilize architecturally finished concrete tilt wall, which is not an approved finishing material. She stated that typically facade plans can be approved by Staff; however, the applicant is requesting approval of a facade plan appeal, which must be considered by the Planning and Zoning Commission. Ms. Spiegel stated that the applicant is proposing between 9 and 29 percent architecturally finished concrete tilt wall on each elevation located in several areas. She stated that in the letter of intent the applicant indicates that the tilt wall will be finished with a coating that will give an appearance similar to exterior insulation finishing system (EIFS), which is an allowed finishing material. Ms. Spiegel stated that the applicant has used brick as the primary building material on all elevations. She stated that Staff ultimately has no objections to the request. Ms. Spiegel stated that Staff recommends approval of the proposed facade plan appeal and offered to answer questions. There were none.

Mr. Scott Somerville, 1807 Ross Avenue, Dallas, TX, concurred with the Staff Report. He stated that they felt the proposed tilt wall would be indistinguishable from the approved exterior insulation finishing system (EIFS) material. Mr. Somerville stated that they were using masonry as the primary material on the facade.

Commission Member Smith asked about the proposed seating in the theater. Mr. Somerville stated that the client was very particular about the experience inside the theater. He mentioned that it could have reclining seats.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Kuykendall, seconded by Commission Member Smith, the Commission unanimously voted to close the public hearing and approve the facade plan appeal as recommended by Staff, with a vote of 7-0-0.

#### **END OF REGULAR AGENDA ITEMS AND PUBLIC HEARINGS**

Mr. Lockley introduced Mr. Rhys Wilson, Senior Planning Technician, as a new employee attending the meeting.

Chairman Cox stated that the Commission appreciated Staff.

There being no further business, Chairman Cox declared the meeting adjourned at 7:28 p.m.

---

BILL COX  
Chairman